



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7
5-2-03
me

Applicant: Demko et al.

:

Art Unit: 3621

:

Serial No.: 09/710,056

:

Examiner: John M. Winter

:

Filed: November 10, 2000

:

:

For: ELECTRONIC BOARDROOM

:

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

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APR 29 2003
GROUP 3600

Sir:

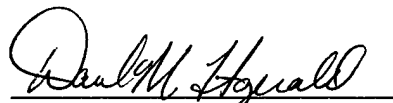
The Office Action mailed March 28, 2003 has been carefully reviewed and the following remarks have been submitted in consequence thereof. In response to the election requirement set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application all claims of Group I as identified in the Office Action. Claims 1-27 are in the elected claim group.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. Indeed, the claims of Group I and the claims of Group II are encompassed by a single class (Class 705), and it is not evident how the searching of a single class could present an unreasonable burden on the Examiner. Because the claims in Group I and II are encompassed by a single class, the assertion that the claim groups have a acquired a separate status in the art because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

Further, the Office Action has not shown that the claims of Group I and the claims of Group II are patentably distinct as being unrelated in accordance with MPEP §806.04. Particularly, the Office Action has not shown that the claims of Group I and the claims of Group II are not “capable of use together” and “have different modes of operation”. Rather, the Office Action merely asserts at page 2 that the claims of Group I and the claims of Group II “are different in function and operation.” Applicants respectfully submit that this statement does not show that the method and system recited in Claims 1-27 of Group I, and the method and system recited in Claims 28-55 of Group II are distinct. Accordingly, Applicants submit that the method and system recited in Claims 1-27 (Group I), and the method and system recited in Claims 28-55 (Group II) are related and are not patentably distinct, and that the restriction requirement should be withdrawn.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,



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60709-00013
PATENT

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Applicant: Demko et al.

Serial No.: 09/710,056

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**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER OF PATENTS AND TRADEMARKS**

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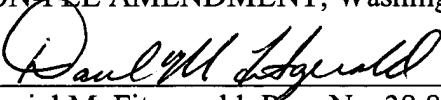
GROUP 3600

Date of Mailing: April 23, 2003

I certify that the documents listed below:

- Amendment Transmittal form (3 pgs.), in duplicate
- Response to Restriction Requirement in response to Office Action dated March 28, 2003 (2 pgs.)
- Return post card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to: Commissioner for Patents, Box: NON-FEE AMENDMENT, Washington, D.C. 20231-0001.


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4-24-03

3621

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60709-00013

PATENT



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Box: NON-FEE AMENDMENT
Washington, D.C. 20231

TRANSMITTAL

1. Transmitted herewith is:

Response to Restriction Requirement in response to Office Action dated March 28, 2003 (2 pgs.); Certificate of Express Mail (1 pg.) ; Return Post Card

STATUS

2. Applicant

Claims small entity status.
☒ is other than a small entity.

RECEIVED
APR 29 2003
GROUP 3600

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

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FACSIMILE

Transmitted by facsimile to the Patent and Trademark Office

Date: April 23, 2003

Daniel M. Fitzgerald
Reg. No. 38,880

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 110.00	\$ 55.00
_____ Second month	\$ 400.00	\$ 200.00
_____ Third month	\$ 920.00	\$ 460.00
_____ Fourth month	\$1,440.00	\$ 720.00
_____ fifth month	\$1,960.00	\$ 980.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OR	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL		MINUS		=	x \$9 = \$		x \$18 = \$
INDEP.		MINUS		=	x \$42 = \$		x \$84 = \$
— FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$130 = \$		+ \$280 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for claims is required.

OR

- (b) _____ Total additional fee for claims required \$

FEE PAYMENT

5. _____ Attached is a check in the sum of \$_____
- _____ Charge Deposit Account No. 01-2384 the sum of \$
- _____ A duplicate of this transmittal is attached.

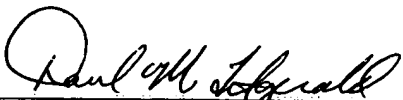
FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7. _____ Other:


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